

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FREDERICK BANKS, AS NEXT FRIEND OF KATHLEEN KANE,</b>	:	<b>CIVIL NO. 1:16-CV-81</b>
	:	
	:	<b>(Chief Judge Conner)</b>
<b>Petitioner</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>DISTRICT ATTORNEY'S OFFICE,</b>	:	
<b>DISCIPLINARY BOARD OF THE</b>	:	
<b>SUPREME COURT OF</b>	:	
<b>PENNSYLVANIA, WARDEN</b>	:	
<b>COUNTY JAIL, COUNTY</b>	:	
<b>SHERIFF'S OFFICE,</b>	:	
<b>COMMONWEALTH OF</b>	:	
<b>PENNSYLVANIA, CENTRAL</b>	:	
<b>INTELLIGENCE AGENCY</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 19th day of January, 2016, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2241, filed by petitioner Frederick Banks on behalf of Attorney General Kathleen Kane, wherein he challenges the pretrial detention and criminal charges filed against Kathleen Kane, and upon consideration of the federal habeas statute, which provides that an “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf”, 28 U.S.C. § 2242, and that a litigant seeking to prosecute a “next friend” habeas petition “must establish the requisite [Article III] standing to sue”, Whitmore v.

Arkansas, 495 U.S. 149, 154 (1990), accord In re Zettlemyer, 53 F.3d 24, 26-27 (3d Cir. 1995) (per curiam), and, further, a petitioner seeking “next friend” standing must “provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action”, and must demonstrate that he is “truly dedicated to the best interests of the person on whose behalf he seeks to litigate” and has some “significant relationship” with that person, Whitmore, 495 U.S. at 164 (citations omitted), and it appearing that Banks has failed to establish that Kathleen Kane is unable to litigate her own case, and failed to establish that he has a significant relationship with Kathleen Kane, and the court finding that Banks therefore failed to meet his burden to establish “next friend” standing, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) filed by Frederick Banks on behalf of Kathleen Kane is DISMISSED for lack of standing.
2. The motion for leave to proceed *in forma pauperis* (Doc. 2) is GRANTED for the sole purpose of filing this action.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania